

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, and Guy Pfalzgraff, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. Absent was Councilmember William Seuell. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the minutes of August 18, 2009 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Daniel Neil with the ambulance district presented an award to Sgt. Jesse Stanford from Delta Police Department for participating in the Kid's Bike Rodeo.

Sgt. Stanford stated that it was an honor and they are looking forward to next year.

The following individuals commented on the horse country arena:

- Joann Barnnet, 676 Hwy 50
- Linda Tibbits, 21334 H75 Road
- Shannon Gray, 6544 1900 Road

Gerald Roberts, 1962 Columbine Court, commented on the EMTs and the Delta Police Department for their quick response to a call he witnessed over the weekend.

Tri County Resource Center Presentation

Angela Mackey with Tri County Resource Center thanked Council for their assistance in purchasing the building for their domestic violence shelter. She stated that this was a great success. She also presented Council with an update on the shelter. Ms. Mackey invited everyone to attend a Town Hall meeting at Westminster Hall on October 26th from 12:00pm to 4:00pm.

**3.2% Beer Retail License
Delta Super Market**

The Clerk reported that Delta Super Market has submitted their 3.2% Beer Retail License renewal application. The application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the 3.2% Beer Retail License Renewal for Delta Super Market. All in favor, motion carried.

Resolution #5, 2009; Setting the Ballot Question**Resolution #5, 2009**

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 3, 2009 TO SUBMIT A BALLOT ISSUE AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR THE CONSTRUCTION OF CONFLUENCE DRIVE WITHOUT AN INCREASE IN TAXES; PROVIDING THAT THE BONDS BE PAYABLE FROM THE CITYWIDE CAPITAL IMPROVEMENT FUND AND SUCH OTHER MONEYS WHICH MAY BE PLEDGED BY THE CITY COUNCIL; SETTING THE BALLOT TITLE AND

Regular Meeting, Delta City Council, September 1, 2009 (Cont.)

Resolution #5, 2009; Setting the Ballot Question (cont.)

CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER MATTERS RELATING TO THE ELECTION.

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to adopt Resolution #5, 2009. Roll call vote: Councilmembers Pfalzgraff aye, Jurca aye, Carlquist aye and Cooper aye. Motion carried.

Easement for Transmission Project Across City Property

Assistant City Manager Steve Glammeyer stated that these easement agreements are for the construction and access of the new transmission line as part of the larger transmission project. While the property is under contract to be sold to Bray and Company for development, the City is still owner of record. The sell contract was amended to get approval from the buyer to accept these easements. Staff would recommend that Council approve the easement agreements with Tri-State General.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to approve the transmission line and access easement agreements for the transmission project and authorized the Mayor to sign said easements. All in favor, motion carried.

Refuse Truck Bids

Fleet Manager Rod Myers reported that back in July Council approved staff to begin the bid process in the purchase a refuse truck. Mr. Myers explained the bid results. He explained that Grand Junction Peterbilt was the low bid for the cab and chassis. Staff received two bids for the body of the truck. However, McNeilus did not meet the specs that were sent out and he explained those specs. Mr. Myers explained that this truck would be ordered in 2009 but would not be delivered or paid for until 2010.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the purchase of a 2009 Peterbilt model 320 truck from Grand Junction Peterbilt in the amount of \$113,800 and a Dura Pack 7000 28-yard automated side loader from Kois Brothers in the amount of \$96,434 to be purchased in 2010. All in favor, motion carried.

2009 Concrete Replacement Project Bids

Public Works Director Jim Hatheway reported that this is the annual concrete replacement project completed by the City Public Works Department. A portion of the work is part of the 50/50 cost share program with property owners as well as other concrete projects identified by staff. The project will complete work at the golf course, animal shelter, recreation center and Main Street. The main portion of the project will focus on replacing the degrading and damaged concrete adjacent to 19th Street, Rose Court and Columbine Court.

Mr. Hatheway explained that there were four bids received. The lowest bid was submitted by BPS Concrete. He stated that due to the fact the bid was significantly lower he contacted the company and they are cognizant of the amount of their bid. Staff is recommending that the City award the Contract for the 2009 Concrete Replacement Project to BPS Concrete.

Councilmember Carlquist questioned if this company will be able to complete the work for the amount on the bid.

Mr. Hatheway explained that he did contact the company and they understood the difference in the bid amounts. This company stated that they bid low because they are in need of the work.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to award the contract for the 2009 Concrete Replacement Project to BPS Concrete. All in favor, motion carried.

Overlay Project Bids

Mr. Hatheway also reported that this project will place a 2" asphalt overly on 9th Street between Main and Grand, 8th Street between Palmer and Grand, Meeker Street between 9th and 6th,

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Overlay Project Bids (cont.)

Grand between 12th and 14th, and 7th between Hastings and Riley. These stretches of road have become rutted and rough due to utility construction and general wear and tear due to daily traffic.

Mr. Hatheway explained there were three bids received. Asphalt Specialists were the lowest bidder on this project. Staff is recommending that the City award the contract for the 2009 Street Overlay Project to Asphalt Specialists.

Councilmember Pfalzgraff questioned if Asphalt Specialists has done work for the City in the past.

Mr. Hatheway stated that they have done work in the City. They did some work on the rail realignment project and for a few different private projects in town. Mr. Hatheway also stated that their work has been acceptable.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to award the contract for the 2009 Overlay Project to Asphalt Specialists. All in favor, motion carried.

1800 Drive Reconstruction Project Bids

Mr. Hatheway stated that this project will rebuild 1800 Drive. 1800 Drive is a road annexed by the City that had been chip-sealed by the County. The road carries a considerable amount of traffic load, including heavy traffic. This traffic has deteriorated the road significantly. The project will be a design-build project that will require the project team to design the lines and grades of the road and all drainage improvements. Geotechnical work design has already been completed by the City.

Mr. Hatheway explained that this was a very popular project. There were 30 plan sets sent out. He stated that there were seven bids received back. MA Concrete is the lowest qualified bidder. Mr. Hatheway realizes that Brian Wells is here tonight to speak to Council regarding his bid which is the second lowest qualified bid. Staff is recommending that the City award the contract for the 1800 Drive Reconstruction Project to MA Concrete in the amount of \$136,610. There was no local preference considered in the bid.

Brian Wells with Dirt Merchant Construction stated that they are the second lowest bidder by \$2027.00. Mr. Wells explained that the reason he is requesting Council to consider Dirt Merchant's bid is the fact that in doing so they can keep the dollars here in the City of Delta. The subcontractors they use are local individuals.

Councilmember Carlquist questioned Mr. Hatheway if the City has done work with both of these firms.

Mr. Hatheway stated that the City has worked with both firms and they both have done good work.

There was discussion regarding local preference.

Attorney Michael Schottelkotte advised he would need to look into the law regarding awarding contracts to lowest bidder and if there is a local preference.

Mayor Cooper questioned Mr. Hatheway if this matter were to be tabled for two weeks, would that jeopardize the project.

Mr. Hatheway stated that the concern would be the asphalt replacement. He also stated that they could have the contractor maintain a road base surface throughout the winter.

Councilmember Pfalzgraff questioned how long the project is going to take.

Mr. Hatheway reported he anticipates 30 days for design and 30 to 45 days for construction.

There was also discussion on the road base surface.

Mayor Cooper requested this item be moved to the end of the agenda to give Mr. Schottelkotte time to look at the statutes and report back to Council.

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**Parade and Street Closure Permit
Delta High School**

City Manager Lanny Sloan reported that the Delta High School has submitted a parade and street closure permit. This parade will be part of their homecoming events on September 25th.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the Parade and Street Closure Permit for the Delta High School on September 25, 2009. All in favor, motion carried.

**Ordinance #5, 2009; Second and Final Reading
Annexation of the Thompson Addition**

Ordinance #5, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO FOR
THE ANNEXATION OF THE THOMPSON ADDITION

was introduced as Council Bill #6, 2009 and read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Council Bill #6, 2009 on second and final reading. Roll call vote: Councilmembers Pfalzgraff aye, Jurca aye, Carlquist aye and Cooper aye. Motion carried. Council Bill #6, 2009 was adopted on second and final reading as Ordinance #5, 2009.

**Ordinance #6, 2009; Second and Final Reading
Thompson Addition Initial Zoning**

Ordinance #6, 2009 (change after meeting)

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE THOMPSON
ADDDITION

was introduced as Council Bill #7, 2009 and read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to adopt Council Bill #7, 2009 on second and final reading. Roll call vote: Councilmembers Pfalzgraff aye, Jurca aye, Carlquist aye and Cooper aye. Motion carried. Council Bill #7, 2009 was adopted on second and final reading as Ordinance #6, 2009.

City Attorney Comments

There were none.

City Manager Comments

City Manager Lanny Sloan stated that the Chamber of Commerce is hosting an open house for their new executive director on Thursday night at the Chamber from 5:30pm to 7:00pm.

Councilmember Comments

Councilmembers Jurca and Carlquist commented on the employee appreciation day.

Mayor Cooper stated there have been several comments on the appearance of the City. She also stated that there have been comments for and against the expansion of the recreation center.

At 7:42pm the Mayor called for a recess.

At 7:48pm the Mayor reconvened the meeting.

1800 Drive Reconstruction Project Bids (cont.)

Attorney Michael Schottelkotte stated that the state statute does address the issue of bidders and does state to award to the lowest responsible bidder. Mr. Schottelkotte explained the safest

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1800 Drive Reconstruction Project Bids (cont.)

way to go is to award the contract to the lowest bidder who Mr. Hatheway did state are responsible in his opinion.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to award the contract for the 1800 Drive Reconstruction Project to MA Concrete in the amount of \$136,610. All in favor, motion carried.

The meeting was adjourned at 7:49 p.m.

Jolene E. Nelson, City Clerk